



Rep. Ed Sullivan, Jr.

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LRB098 14168 JLK 58065 a

1 AMENDMENT TO HOUSE BILL 4803

2 AMENDMENT NO. _____. Amend House Bill 4803 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 adding Section 2.25 as follows:

6 (5 ILCS 140/2.25 new)

7 Sec. 2.25. Records maintained online.

8 (a) A public body is not required to copy and make
9 available for public inspection a public record that is
10 published on the public body's website if the public body's
11 Freedom of Information officer certifies that the online record
12 is a true and accurate copy of the original record maintained
13 by the public body.

14 (b) The Freedom of Information officer shall notify the
15 person requesting the public record that it is available
16 online. If the person requesting the public record is unable to

1 access the record online, the public body is then required to
2 copy and make available the public record.

3 Section 10. The Local Records Act is amended by adding
4 Section 20 as follows:

5 (50 ILCS 205/20 new)

6 Sec. 20. Internet posting requirements.

7 (a) Any unit of local government serving a population of
8 5,000 or more and any school district with an enrollment of 500
9 or more students shall maintain an Internet website and post to
10 its website for the current calendar or fiscal year, as the
11 case may be, any of the following information that unit of
12 local government or school district is already required to file
13 with any other government agency:

14 (1) The contact information, including the phone
15 number and e-mail address, for all elected and appointed
16 officials, the Freedom of Information Officer, the chief
17 administrator, and the head administrator for each
18 department.

19 (2) The public records the unit of local government or
20 school district is required by law to report to other
21 government agencies.

22 (3) The agenda, board packets, and any other prepared
23 materials, except those related to testimony, of all
24 regular meetings shall be posted at least 48 hours before a

1 meeting. The agenda, board packets and any other prepared
2 materials, except those related to testimony, of all
3 special or emergency meetings shall be posted at least 24
4 hours before a meeting. The posting shall indicate if the
5 agendas are in draft form. The minutes from any regular or
6 special meeting shall be posted within 48 hours of
7 approval. All materials related to testimony shall be
8 posted within 48 hours of presentation.

9 (4) In accordance with the Freedom of Information Act,
10 the procedure for requesting information from the unit of
11 local government or school district.

12 (5) The annual budget and appropriation ordinances.

13 (6) The procedures required to apply for building
14 permits and zoning variances.

15 (7) Any budget, financial audit, audit schedule, or
16 special project report, including without limitation the
17 comprehensive annual financial report, performance audits,
18 and reports required under the Tax Increment Allocation
19 Redevelopment Act in the Illinois Municipal Code. All
20 reports should include the following:

21 (A) All actual revenues and expenditures for at
22 least the 3 previous fiscal years. Any report focusing
23 on any subset of Total should specify that only partial
24 amounts are shown and identify the Total amount and the
25 nature of items not included in the report.

26 (B) Revenues should be broken out by source,

1 including the broad categories of local, State, and
2 federal tax dollars.

3 (C) Expenditures should be separated into current
4 operating, capital, and debt service.

5 (D) Expenditure summaries for units of local
6 government should reflect the per-resident calculation
7 for comparison to other governmental bodies. For
8 schools, a per-pupil calculation should be made based
9 on full-time or equivalent enrollment.

10 (E) Audits should include a management letter.

11 (8) A detailed list of the total compensation paid to
12 each employee compiled and posted at the end of the year.

13 (9) A detailed list of the taxes and fees imposed by
14 the unit of local government or school district.

15 (10) The ordinances and rules governing the award of
16 all bids and contracts for purchase in the amount of
17 \$25,000 or more.

18 (11) All bids and contracts for purchase in the amount
19 of \$25,000 or more.

20 (12) A debt disclosure report that includes the
21 following:

22 (A) sum total of all debts and liabilities;

23 (B) sum total of gross tax levy for the most recent
24 tax year;

25 (C) gross operating budget revenue for the most
26 recent fiscal year;

1 (D) total pension liability;

2 (E) total unfunded pension liability; and

3 (F) actuarial cost method used to calculate total
4 pension liability and total unfunded pension
5 liability, and other post-employment benefits,
6 including:

7 (i) projected investment rate of return;

8 (ii) actual investment rate of return over the
9 past 10 years;

10 (iii) annual rate of salary increases;

11 (iv) participant mortality rate; and

12 (v) healthcare cost trend rate for Other
13 Post-Employment Benefits (OPEB); and

14 (13) Public notices.

15 (14) A searchable monthly check register of its main
16 checking account that can be accessed via the Internet
17 website. The check register shall contain the check number,
18 vendor name, amount, brief description of the expenditure,
19 date, purchase order number, and budget code, and shall be
20 updated by the union of local government or school district
21 on a monthly basis.

22 (b) The unit of local government or school district shall
23 update the financial data contained on the web site database at
24 least monthly, and archive the financial data, which shall
25 remain accessible and searchable on the web site database. The
26 database must be easily accessible from the main page of the

1 unit of local government or school district's web site. The
2 unit of local government or school district shall create and
3 make easily accessible an automated Rich Site Summary (RSS)
4 feed to which users of the web site database may subscribe for
5 notification of updates to the database.

6 (c) The information required to be posted under subsection
7 (a) must be easily accessible from the unit of local
8 government's or school district's home page and searchable.

9 (d) The postings required by this Section are in addition
10 to any other posting requirements required by law or ordinance.

11 (e) If a unit of local government or school district fails
12 to comply with this Section, then any citizen who is a resident
13 of the unit of local government or school district may file
14 suit in the circuit court for the county where the unit of
15 local government or school district is located. The citizen may
16 bring a mandamus or injunction action to compel the unit of
17 local government or school district to comply with the
18 requirements set forth in subsection (a). The court may impose
19 any penalty or other sanction as it deems appropriate. The
20 court, in its discretion, may also award to the citizen
21 bringing the action reasonable attorneys' fees and costs.

22 (f) No home rule unit may adopt posting requirements that
23 are less restrictive than this Section. This Section is a
24 limitation under subsection (i) of Section 6 of Article VII of
25 the Illinois Constitution on the concurrent exercise by home
26 rule units of powers and functions exercised by the State.

1 (g) All local records required to be posted by this
2 amendatory Act of the 98th General Assembly shall remain posted
3 on the entity's website, or subsequent websites, in perpetuity.

4 Section 90. The State Mandates Act is amended by adding
5 Section 8.38 as follows:

6 (30 ILCS 805/8.38 new)

7 Sec. 8.38. Exempt mandate. Notwithstanding Sections 6 and 8
8 of this Act, no reimbursement by the State is required for the
9 implementation of any mandate created by this amendatory Act of
10 the 98th General Assembly.

11 Section 97. Severability. The provisions of this Act are
12 severable under Section 1.31 of the Statute on Statutes.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."